



RECEIVED

2003 AUG 15 AM 8:11

T.R.A. DOCKET ROOM

James B. Wright
Senior Attorney14111 Capital Boulevard
Wake Forest, NC 27587-5900

Mailstop NCWKFR0313

Voice 919 554 7587

Fax 919 554 7913

james.b.wright@mail.sprint.com

August 13, 2003

Chairman Deborah Taylor Tate
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: ASC Telecom, Inc. d/b/a AlternaTel

DOCKET NO.

03-00479

Dear Chairman Tate:

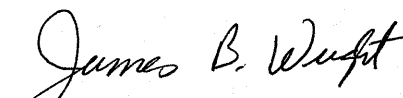
ASC Telecom, Inc. d/b/a AlternaTel ("Alternatel") asks to withdraw its tariffs relating to the provision of operator services and resold telecommunications services effective as of August 15, 2003.

AlternaTel has applied for and received authority from the Federal Communications Commission ("FCC") to discontinue providing resold telecommunications and operator services in Tennessee under the name AlternaTel by FCC Order released July 31, 2003, a copy which is attached as Exhibit A. AlternaTel included in its FCC Application a notice to customers, which notice was mailed to customers on June 12, 2003. A copy of said Application (and notice) is attached as Exhibit B.

ASC Telecom, Inc. proposes to cease using the name AlternaTel. The Company was authorized to provide services under the name ASC Telecom, Inc. d/b/a AlternaTel by TRA order dated April 20, 1999 in Docket No. 98-00888. The Company has filed an Application for Cancellation of Assumed Corporate Name with the Tennessee Department of State, a copy of which is attached as Exhibit C. ASC Telecom, Inc. asks that its Certification be amended to delete "d/b/a AlternaTel". Revised tariffs for ASC Telecom, Inc. will be filed under separate cover in the near future.

Please contact me if you have any questions.

Sincerely,


James B. Wright

JBW:sm
Enclosures

³ *Comments Invited on ASC Telecom, Inc. d/b/a AlternaTel Application to Discontinue Domestic Telecommunications Services*, Public Notice, Comp. Pol. File No. 653, DA 03-2129 (rel. June 30, 2003).

enforcement proceeding currently pending against AlternaTel.⁴ On July 22, 2003, AlternaTel filed reply comments in which it argued, *inter alia*, that the application should be granted because there are readily available alternatives to the services that AlternaTel seeks to discontinue, and none of AlternaTel's customers have filed comments to the contrary.

II. DISCUSSION

4. Section 214(a) of the Communications Act, as amended, states that "[n]o carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby."⁵ The primary purpose of this requirement is to reduce the harm to consumers caused by discontinuances of service, which is an important aspect of the Commission's general obligation under the Communications Act to protect and promote the public interest.⁶ The Commission has considerable discretion in making a finding under section 214.⁷ In this case, we believe that alternatives to resold long distance and related operator services are readily available, and note that none of AlternaTel's customers in Tennessee have commented to the contrary. We also note that any decision we make regarding AlternaTel's discontinuance application would have no affect upon and is without prejudice to the enforcement proceeding currently pending against AlternaTel. Accordingly, we grant AlternaTel's application.

III. ORDERING CLAUSE

5. Accordingly, pursuant to sections 1, 4(1), and 214 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(1), 214, and sections 0.91, 0.291, and 63.71 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 63.71, IT IS ORDERED that the application of ASC Telecom, Inc. d/b/a AlternaTel to discontinue domestic telecommunications IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Competition Policy Division

⁴ See *Notice of Apparent Liability for Forfeiture in the Matter of ASC Telecom, Inc., d/b/a AlternaTel*, File No. EB-02-TC-136, NAL/Acct. No. 200232170006, FRN: 0004372835 (rel. Sept. 23, 2002) (NAL).

⁵ 47 U.S.C. § 214(a).

⁶ See 47 U.S.C. § 201.

⁷ See *FCC v. RCA Communications, Inc.*, 73 S.Ct. 998, 1002 (1953).

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
ASC Telecom, Inc. d/b/a AlternaTel)
Section 63.71 Application for the)
Discontinuance of Resold Interexchange)
Services)
_____)

APPLICATION

ASC Telecom, Inc. d/b/a AlternaTel ("AlternaTel"), pursuant to the procedures set forth in Section 63.71 of the Commission's Rules, 47 C.F.R. §63.71, hereby respectfully submits the above-captioned application to discontinue its provision of resold interexchange services in Tennessee.¹ AlternaTel is also discontinuing its provision of operator services in Tennessee.²

The information required by Section 63.71(b) to be included in an application for discontinuance filed with the Commission is set forth below. AlternaTel understands that its application will be automatically granted on the 31st date following the release date of the Public Notice of AlternaTel discontinuance application without further action from the Commission unless the Commission advises AlternaTel to the contrary.

¹ ASC Telecom also provides services under its own name. ASC Telecom is not seeking to discontinue its provision of such services.

² AlternaTel is planning to discontinue its provision of interexchange services in all States and U.S. territories where it currently provides such services. However, AlternaTel's discontinuance of services in these States and U.S. Territories involves transferring its customers to Cognigen Switching Technologies, Inc. and certain issues related to the transfer still need to be resolved. Thus, AlternaTel will continue to provide service to its customers in these States and U.S. Territories. Once the outstanding issues are settled, AlternaTel will file a discontinuance application for its remaining States and U.S. Territories.

A. Name and Address of Carrier

ASC Telecom d/b/a AlternaTel
P.O. Box 11617
Kansas City, Mo. 64138-4061

B. Date of Planned Discontinuance

August 15, 2003.

C. Geographic Areas of Service Affected

Tennessee

D. Type of Service Affected

Interexchange services provided on a resold basis. Such services include interstate and intrastate Dial One service; international service; toll free service; and calling card service. AlternaTel is also discontinuing its provision of operator services.

E. Method of Notice to Customers


AlternaTel's Tennessee customers will receive a letter informing them of AlternaTel's decision to exit the interexchange market and of the need to select another carrier by August 15. AlternaTel will begin mailing these letters, a draft copy of which is attached, on or about June 12, 2003.

F. Regulatory Status of Applicant

AlternaTel is a nondominant carrier with respect to the services being discontinued.

Respectfully submitted,

ASC TELECOM, INC. D/B/A ALTERNATEL



Michael B. Fingerhut
401 9th Street NW, Suite 400
Washington, D.C. 20004
(202) 585-1909

Its Attorney

June 11, 2003

AlternaTel

P.O. Box 11617
Kansas City, Mo. 64138-4061
Customer Service: 1-888-883-1928

Date: June 11, 2003

Subject: AlternaTel discontinuance of long distance telecommunications services

We're contacting you and our other AlternaTel customers to let you know that AlternaTel has requested approval from the applicable regulatory agencies to discontinue all of AlternaTel's long distance services in Tennessee. That request, if approved by the regulators on our anticipated time-schedule, will result in discontinuance of your AlternaTel services as of August 15, 2003.

Pending regulatory approval of our request, you will need to make other arrangements for long distance services. Generally, you can find a list of most long distance telecommunications service providers in your local telephone directory.

You will receive a final bill from AlternaTel to close out your AlternaTel account.

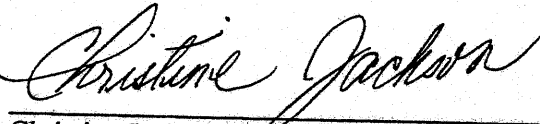
If you have any questions about your AlternaTel long distance service, you may also call the toll free customer service number at 1-877-608-3769.

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the § 63.71 Application of AlternaTel. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

If AlternaTel's request to discontinue providing its long distance telecommunications services is approved by the FCC on the anticipated time-schedule, the last date of your service will be August 15, 2003. **You must make arrangements for long distance service from another carrier prior to August 1, 2003 to avoid any service interruption. Those AlternaTel customers who have not arrangements for long distance service from other carriers will be disconnected from AlternaTel service August 15, 2003 or as soon thereafter as practical.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application of Sprint Communications Company L.P. to Discontinue Its Provision of an Integrated High-Speed Internet Access Service to a Limited Number of Business Customers in Various States was sent by hand or by e-mail or by United States first-class mail, postage prepaid, on this the 11th day of June 2003, to the parties on the attached list.


Christine Jackson

June 11, 2003

VIA HAND DELIVERY

Marlele Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

VIA HAND DELIVERY AND E-MAIL

Gregory Cooke, Esq.
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
gcooke@fcc.gov

VIA HAND DELIVERY AND E-MAIL

John Adams
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
jkadams@fcc.gov

VIA E-MAIL

Qualex International
Room CY-B402
445 12th Street, SW
Washington, DC 20554

VIA U.S. MAIL

The Honorable Phil Bredesen
Office of the Governor
State Capitol
Nashville, TN 37243

VIA U.S. MAIL

Melvin Malone
Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

VIA U.S. MAIL

Secretary of Defense
ATTN: Special Assistant For
Telecommunications
Pentagon
Washington, DC 20301



James B. Wright
Senior Attorney

14111 Capital Boulevard
Wake Forest, NC 27587-5900
Mailstop NCWKFR0313
Voice 919 554 7587
Fax 919 554 7913
james.b.wright@mail.sprint.com

August 13, 2003

Tennessee Department of State
318 Eighth Avenue North, Sixth Floor
Nashville, Tennessee 37243

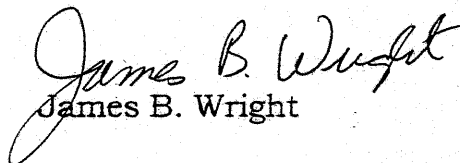
Re: ASC Telecom, Inc. d/b/a AlternaTel

Gentlemen:

ASC Telecom, Inc. d/b/a AlternaTel proposes to cease using the name AlternaTel. In support thereof, enclosed is an Application for Cancellation of Assumed Corporate Name. A check in the amount of \$20.00 for the filing fee is enclosed.

Please contact me if you have any questions.

Sincerely,


James B. Wright

JBW:sm

Enclosure

cc: Laura Sykora
Kaye Odum

State of Tennessee



Department of State
Corporate Filings
312 Eighth Avenue North
6th Floor, William R. Snodgrass Tower
Nashville, TN 37243

APPLICATION FOR
CANCELLATION OF
ASSUMED CORPORATE
NAME

For Office Use Only

Pursuant to the provisions of Section 48-14-101(e) of the Tennessee Business Corporation Act or Section 48-54-101(e) of the Tennessee Nonprofit Corporation Act, the undersigned corporation hereby submits this application:

1. The true name of the corporation is ASC Telecom, Inc.

2. The state or country of incorporation is Kansas

3. The corporation intends to cease transacting business under an assumed corporate name by cancelling it.

4. The assumed corporate name to be cancelled is AlternatEl

August 13, 2003

Signature Date

Assistant Secretary

Signer's Capacity

ASC Telecom, Inc.

Name of Corporation

James B. Wright

Signature

James B. Wright

Name (typed or printed)